

# **AN ASSESSMENT OF THE IMPLEMENTATION OF CAVIAR LABELLING AND LICENSING PROVISIONS IN THE EUROPEAN UNION**

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# 1. Introduction

In April 1998, the decisions to list all species of sturgeon and paddlefish (Acipenseriformes) in the CITES Appendices entered into effect, covering all live specimens, as well as any parts and products derived from these species (such as caviar, meat, leather, fertilised eggs, cartilage, etc.). These specimens may only be traded in accordance with the provisions of CITES, which is implemented in the European Union (EU) through *Council Regulation (EC) No. 338/97* and *Commission Regulation (EC) No. 865/2006* (hereafter referred to jointly as the EC Wildlife Trade Regulations).

In April 2000, CITES Parties agreed on a universal labelling system for the identification of caviar that came into effect in the EU on 1 January 2002. The labelling system was revised in November 2002 (at the 12<sup>th</sup> CITES Meeting of the Conference of the Parties, CoP 12) and again in October 2004 (CoP13) in order to improve the traceability of the product (see *Resolution Conf. 12.7 (Rev. CoP14) – Conservation of and trade in sturgeons and paddlefish*, which may be viewed at: <http://www.cites.org/eng/res/12/12-07R14.shtml> ).

The labelling requirements for the identification of caviar in the European Union are detailed in Art. 66(6) of *Commission Regulation (EC) No. 865/2006* as amended by Article 18 of *Commission Regulation (EC) No. 100/2008*. The amended *Commission Regulation (EC) No. 865/2006* fully implements the CITES provisions regarding caviar labelling.

Under *CITES Resolution Conf 12.7 (Rev. CoP 14)* and *Commission Regulation (EC) No. 865/2006*, all primary containers (tin, box, jar, or other container into which caviar is directly packed), irrespective of size and including containers of repackaged caviar, must be affixed with a non-reusable label that includes a unique code (see details of codes on page 7). The label must either seal the container or the caviar must be packaged in such a manner as to permit visual evidence of any opening of the container i.e. it should become evident if the container has been opened. The uniform labelling system applies to all caviar produced for commercial and non-commercial purposes, from the wild or farmed, and includes re-packaged caviar and all caviar sold on domestic markets. The provisions requiring all caviar containers to be labelled have applied since the entry into force of *Commission Regulation (EC) No. 865/2006* on 25<sup>th</sup> May 2006. The additional provisions requiring labels to seal the container or the packaging to allow visual evidence of any opening of the container have applied since the entry into force of *Commission Regulation (EC) No. 100/2008* amending *Commission Regulation (EC) No. 865/2006* on 25<sup>th</sup> February 2008. For enforcement purposes and taking into account the shelf life of caviar already placed on the market

before the new provisions came into force it has been agreed at the 44<sup>th</sup> meeting of the Committee on Trade in Wild Fauna and Flora on 16<sup>th</sup> June 2008, that all caviar containers on the EU market should fulfil the latest provisions on labelling by 25 December 2008 at the latest.

Labels should allow authorities to trace the origin of the caviar. The label to be affixed on primary caviar containers in the country of origin (and hence first country of export) contains a different set of information to the label affixed in a country that is re-packaging the caviar. The label affixed by the processing or packaging plant in the country of origin must include the information as shown in the example below using the codes agreed in Annexes 1 and 2 of *CITES Resolution Conf. 12.7 (Rev. CoP14)* (see <http://www.cites.org/eng/res/12/12-07R14.shtml>). Import and export permits and re-export certificates may only be issued when the Management Authority is satisfied that the caviar container is marked in accordance with these conditions.

**Example of label to be affixed in the country of origin on all primary caviar containers**

HUS/W/RU/2000/xxxx/yyyy

HUS: Standard species code<sup>1</sup>, here “*Huso huso*”  
W: Source code<sup>2</sup> of the caviar{ XE "caviar" }, here “wild”  
RU: ISO code of the country of origin, here “Russian Federation”  
2000: Year of harvest, here 2000  
xxxx: Number for the processing plant  
yyyy: Lot identification number

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<sup>1</sup> The list of possible species codes is included in **Annex 3**

<sup>2</sup> The source code can either be C (captive-bred) or W (wild)

**Example of label to be affixed in the country of re-packing on all secondary caviar containers**

PER/W/IR/2001/IT-wwww/zzzz

- PER: Standard species code, here “*Acipenser persicus*”  
W: Source code of the caviar, here “wild”  
IR: ISO code of the country of origin, here “Islamic Republic of Iran”  
2001: Year of repackaging, here 2001  
IT-wwww: The official registration code of the repackaging plant, which incorporates the ISO two-letter code of the country of repackaging if different from the country of origin  
zzzz: Lot identification number, or CITES export permit number, or re-export certificate number

EU Member States must ensure that all caviar containers placed on the domestic market<sup>3</sup> – whether for caviar processed or re-packaged in their territory or imported from another Member State or third country – are labelled. This can be done through adoption of legal or administrative measures.

For the purposes of facilitating the marking requirements for caviar, the Management Authority must license facilities (or plants) that process or (re-)package (i.e. package or re-package) caviar, including caviar-producing aquaculture operations and must attribute a unique registration number to these facilities. The facilities must also maintain adequate records of the quantities of caviar imported, exported, re-exported, produced *in-situ* or stored that must be available for inspection by the Management Authority in the relevant Member State. The licensing requirements for caviar processing and (re-)packaging plants in the European Union are detailed in Art. 66(7) of *Regulation (EC) No. 865/2006* as amended by Article 18 of *Regulation (EC) No. 100/2008*. The amended *Commission Regulation (EC) No. 865/2006* fully implements the CITES provisions regarding caviar licensing. The list of facilities licensed must be notified to the CITES Secretariat and to the European Commission and is available on [http://www.cites.org/common/resources/reg\\_caviar.pdf](http://www.cites.org/common/resources/reg_caviar.pdf).

As *Commission Regulation (EC) No. 865/2006* is directly applicable in EU Member States, Member States are not required to transfer provisions regarding caviar labelling and licensing into national legislation, although they may adopt further

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<sup>3</sup> Specifically, caviar can only be purchased, offered to purchase, acquired for commercial purposes, displayed to the public for commercial purposes, used for commercial gain and sale, kept for sale, offered for sale or transported for sale if the caviar was legally acquired, and legally imported into the Community if originating from a third country (Article 8(5) of *Council Regulation (EC) No. 338/97*) and if it is marked in accordance with the provisions of Article 66(6) (Article 64(2) of *Commission Regulation (EC) No. 865/2006*).

implementing provisions if necessary. Some Member States may adopt administrative measures relating to labelling or licensing, for example to specify detailed procedures for licensing or which authority issues the CITES label(s). However Member States should not transpose word for word the provisions of the Regulation into their national law - unless it is for clarity purposes in connection with implementing provisions (e.g. for sanctions) - as this would put into question the directly legally-binding nature of the Regulation and would be contrary to the Treaty.

Although *Commission Regulation (EC) No. 865/2006* is directly applicable in EU Member States, necessary enforcement provisions relating to this *Commission Regulation* must be transferred into national legislation and supplemented with national laws for matters that remain under the sovereignty of each Member State such as penalties in cases of non-compliance.

In 2007, UNEP-WCMC established the caviar trade database. The purpose of the database is to record information relating to exports, re-exports and imports of caviar. This will enable the monitoring of such trade and will assist in the verification of the authenticity and validity of permits and certificates. It will, for example, be able to identify whether a quantity of caviar, imported from a producing country, has been re-exported and subsequently detect cases where attempts may be made to re-export more caviar than was originally imported.

*CITES Resolution Conf. 12.7 (Rev. CoP14)* recommends that Parties supply copies of all export permits and re-export certificates issued to authorize trade in caviar to either the CITES Secretariat or directly to UNEP-WCMC (who manage this database, on behalf of the CITES Secretariat), no longer than one month after they have been issued, for inclusion in the database. Parties are also recommended to consult the UNEP-WCMC caviar trade database prior to the issuance of re-export certificates. Note that the EC Wildlife Trade Regulations do not contain any provisions implementing these CITES recommendations in the EU and they are therefore not obligatory under EU law.

Eight years on from the entry into force in the EU of the requirement to label caviar containers and two years after licensing of caviar processing and (re-)packaging plants became mandatory in the EU, this report aims to assess the status of labelling and licensing in the EU. In addition, in order to facilitate the work of EU enforcement officers dealing with caviar shipments, a compilation of the official CITES caviar label(s) used in each Member State that has such labels, was produced. This can be obtained from the Commission.

## 2. Methods

In order to obtain information about the implementation of caviar labelling and licensing provisions as required under the EC Wildlife Trade Regulations, questionnaires were prepared and sent to the Management Authorities of the 27 EU Member States in January 2008.

Information was sought regarding implementation of obligatory measures under the EC Wildlife Trade Regulations as well as additional information regarding labeling, licensing and caviar trade in the EU such as whether minimum security features are included in caviar labels (see **Annex 1**).

Responses were received from all Member States and these were summarized in a table (see **Section 4**). This report is based on responses to this questionnaire submitted by Member States, as well as additional information and clarifications provided by Member States. In addition, details about licensed plants in the EU were obtained from the CITES register of licensed exporters and of processing and repackaging plants for specimens of sturgeon and paddlefish species (as amended on 18 March 2008).

A country profile is included for each Member State. These country profiles include the following points for each Member State:

- The number of processing and (re-)packaging plants;
- Administrative and legal framework for labelling;
- Legal or administrative measures taken to ensure containers on the domestic market are labelled;
- Details about label design, security features and how labels are issued;
- Details about the licensing system in place, if any, and
- Information about inspection of plants, if these have taken place.

In each country profile, cases of apparent non-compliance with caviar provisions under the EC Wildlife Trade Regulations are underlined.

Following the country profiles, an overview section reviews the status of labelling and licensing at the EU-level, and information provided in the country profiles as well as other topics covered by the questionnaire.

Member States were also requested to submit a copy of the CITES caviar labels officially issued or approved in their country. These labels were compiled, along with information about the licensed plants using each label, and can be obtained on request from the European Commission.

A list of definitions of key terms used on this report, such as primary container or processing plant, is included in **Annex 2**. These definitions are taken from *CITES Resolution Conf. 12.7 (Rev. CoP14)*.

### 3. Implementation of labelling and licensing provisions in each Member State

This section provides an overview of the caviar labelling and licensing provisions in place in each EU Member State, including additional information not captured in the overview table (see **Section 4**).

#### ***Austria***

There is one licensed caviar processing plant (aquaculture) in Austria.

##### Labelling

In Austria, no additional caviar-related implementing provisions have been adopted in national legislation. However, the Austrian Species Trade Act and the Species Marking Ordinance are currently being amended to include provisions for the implementation of *Commission Regulation (EC) No. 865/2006*. The updated Species Trade Act will have a special provision on sanctions relating to caviar.

Label production is not centralized in Austria and to date, one label has been approved. Labels produced in Austria are required to seal the caviar container but plants which produce labels are not required to include a minimum set of security features in their labels, due to the cost of producing such labels.

National legislation contains provisions covering sanctions for non-compliance with labelling requirements and legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled.

##### Licensing

A licensing system has been established for caviar processing and (re-)packaging plants in Austria, which covers aquaculture operations, and under this system, licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored. The Austrian Species Trade Act is currently being amended to transfer provisions regarding licensing of caviar processing and (re-)packaging plants from *Commission Regulation (EC) No. 865/2006* into national legislation.

Austria has inspected the licensed processing plant.

## **Belgium**

There are two licensed caviar re-packaging plants and one licensed caviar processing (aquaculture) plant in Belgium.

### Labelling

In Belgium, no additional legal or administrative measures have been adopted at national level for the labelling of caviar processed or (re-) packaged in Belgium .

A notification describing the caviar-related requirements of *Commission Regulation (EC) No. 865/2006* was sent by the Management Authority to all Belgian caviar importers, exporters and traders prior to (April 2006) and after (November 2006) the entry into force of this Regulation.

Three labels have been approved in Belgium, one per licensed plant. Label production is not centralized in Belgium and plants which produce labels are not required to include a minimum set of security features in their labels. Currently, labels produced in Belgium are not required to seal the caviar container and traders have not yet been informed of the obligation to package caviar in a manner that permits visual evidence of any opening of the container. However, the Management Authority is currently preparing a notification to inform caviar traders about the new requirements of *Commission Regulation (EC) No. 100/2008*, namely that if labels do not seal caviar containers, caviar should be packaged in a manner that permits visual evidence of any opening of the container. In May 2008, the Belgian authorities will meet with Belgian caviar firms to discuss what approach (label sealing the container or an alternative method) should be adopted in Belgium.

National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements and legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled.

### Licensing

A licensing system has been established for caviar processing and (re-)packaging plants in Belgium, which covers aquaculture operations, and under this system, licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

## **Bulgaria**

There are three licensed caviar processing and packaging plants in Bulgaria, one produces caviar from aquaculture, one produces caviar from wild sturgeon and the third produces caviar from both aquaculture and wild sturgeon.

## Labelling

Bulgaria has adopted national legislation for the labelling of caviar processed or (re-) packaged in Bulgaria: *Regulation No 3/ 31 October 2008 on marking and labelling of specimens of the species listed in Council Regulation (EC) No. 338/97 on the protection of species of fauna and flora by regulating trade therein* (SG 97, 11 November 2008), which includes provisions on caviar labelling set in Annexes 1 and 2 of *CITES Resolution Conf. 12.7 (Rev. CoP14)*. Caviar producing plants have been informed of the requirements of CITES and *Commission Regulation (EC) No. 865/2006* for caviar labelling.

Label production is not centralized in Bulgaria and two different types of labels are in use, with plants producing their own labels. Labels are not required to seal the containers but caviar is packaged in a manner that allows visual evidence of any opening of the container (see photos in section **4.2 Labelling of caviar containers**). Plants are not required to include a minimum set of security features in their labels.

National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements. Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled.

## Licensing

A licensing system has been established for caviar processing and (re-)packaging plants in Bulgaria, which covers aquaculture operations, and under this system, licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

## **Cyprus**

There are currently no processing or (re-)packaging plants in Cyprus.

## Labelling

In Cyprus, no additional legal or administrative measures have been adopted at national level for the (future) labelling of caviar processed or (re-) packaged in Cyprus.

No label has been produced in Cyprus for caviar labelling as Cyprus does not currently have any production, processing or re-packaging of caviar. If labels were developed, they would be required to seal the container.

Administrative measures have been taken to ensure that caviar placed on the domestic market is labelled, with Customs at ports and airports inspecting caviar containers which enter the country to verify that they are labelled. National legislation does not contain provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

No licensing system for caviar processing or (re-)packaging plants has been established in Cyprus as there are currently no processing or (re-)packaging plants in the country.

## **Czech Republic**

There are currently no processing or (re-)packaging plants in the Czech Republic.

### Labelling

In the Czech Republic, no additional caviar-related implementing provisions have been adopted. However, the Czech Republic is in the process of amending *Act No. 100/2004 Coll.* (the Act on Trade in Endangered Species), so as to include more detailed provisions on caviar labelling (as well as licensing). The Act is expected to be amended in 2008.

To date, no labels have been approved for use in the Czech Republic, as there are no licensed processing or (re-)packaging plants in the country.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled and national legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

Pursuant to the Section 25(2)(a) and (k) of *Act No. 100/2004 Coll.*, the Ministry of the Environment is the body responsible for issuing licences for caviar (re)packaging plants according to the Art. 66(7) of *Commission Regulation (EC) No. 865/2006*. The Czech Republic is in the process of amending *Act No. 100/2004 Coll.* (the Act on Trade in Endangered Species), so as to include more detailed provisions on caviar licensing (as well as labelling). The Act is expected to be amended in 2008. Aquaculture operations are not covered by this licensing system, because there are currently no aquaculture operations in the Czech Republic. Licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

## **Denmark**

There are currently no processing or (re-)packaging plants in Denmark.

### Labelling

In Denmark, no additional legal or administrative measures have been adopted at national level to allow for the (future) labelling of caviar processed or (re-)packaged in Denmark.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled. National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

No label has been developed in Denmark for caviar labelling as Denmark does not currently have any production, processing or re-packaging of caviar.

### Licensing

No licensing system for caviar processing or (re-)packaging plants has been established in Denmark as there are currently no processing or (re-)packaging plants in the country.

## ***Estonia***

There are currently no processing or (re-)packaging plants in Estonia.

### Labelling

In Estonia, no additional legal or administrative measures have been adopted at national level for the labelling of caviar processed or (re-)packaged in Estonia -. However, the Nature Conservation Act, which enacts the labelling requirements (as well as licensing procedures), is in the process of being amended.

Once the Nature Conservation Act has been amended, labels will be required to seal the caviar containers. A label has already been developed in Estonia and the label is currently being used on a voluntary basis for caviar containers. Label production is centralized (a single design) with the Management Authority issuing labels. A holographic background and a unique number are included on labels as security features to avoid fraud.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled and national legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

The Nature Conservation Act, which enacts the licensing procedures (as well as the labelling requirements) is in the process of being amended. This licensing system will cover aquaculture operations and licensed plants will be requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

## **Finland**

Finland has one caviar processing plant (aquaculture), which will package its own caviar for sale once it is licensed to do so. There are no repackaging plants in Finland.

### Labelling

In Finland, no additional legal or administrative measures have been adopted at national level for the labelling of caviar processed or (re-)packaged in Finland.

Label production is not currently centralized in Finland but this is likely to change if/when more plants dealing with caviar seek to be licensed in Finland. No Labels have been approved in Finland to date. Labels (bearing the CITES codes) produced in Finland are not required to seal the caviar container but commercial labels are required to seal the container. The Management Authority is currently in the process of determining what minimum security features are needed on the label, in collaboration with the only applicant they have for licensing.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled and national legislation contains provisions covering sanctions in case of non-compliance with labelling requirements. However, an explicit provision about sanctions may need to be drafted in the Nature Act, as currently this is only implicit in the legislation.

### Licensing

Finland is in the process of establishing a licensing system for caviar processing and (re-)packaging plants and this system will cover aquaculture operations, and under this system, licensed plants will be requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

## **France**

In France, there are currently 15 licensed plants: one processing plants (aquaculture), ten re-packaging plants and four plants that both processes (aquaculture) and re-package caviar.

### Labelling

France has adopted the following legal measure for the labelling of caviar processed or (re-)packaged in France: *Arrêté du 23 février 2007 fixant les conditions d'autorisation d'introduction d'esturgeons et la procédure d'autorisation des établissements procédant au conditionnement ou au reconditionnement du caviar à des fins d'exportation, de réexportation ou de commerce intracommunautaire (JORF du 6 mai 2007).*

This *Arrêté* (which was published prior *Commission Regulation (EC) No. 100/2008*), does not require labels to either seal the container or that the caviar be packaged in such a manner as to permit visual evidence of any opening of the container. However, this is a requirement under the EC Regulations, which take precedence over national legislation. Caviar processing and (re-)packaging plants in France have been informed of the new requirements of *Commission Regulation (EC) No. 100/2008* and France is planning to revise *Arrêté* to address this.

Label production is not centralized in France. The processing and (re-)packaging plants issue their own labels and do date, the Management Authority has approved 13 labels (one per licensed plant). Plants are not required to include a minimum set of security features in their labels.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled and national legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

#### Licensing

A licensing system has been established for caviar processing and (re-)packaging plants in France under the *Arrêté du 23 février 2007*. This system covers aquaculture plants, and under this system, licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

France has carried out inspections of licensed plants, but the exact number of plants inspected was not reported.

## **Germany**

In Germany, there are currently 12 licensed plants: three processing plants (aquaculture), seven re-packaging plants and two plants that both process (aquaculture) and re-package caviar.

#### Labelling

In Germany, no additional legal or administrative measures have been adopted at national level for the labelling of caviar processed or (re-)packaged in Germany.

The labels produced in Germany are not required to seal the caviar container. Labelling is not centralized in Germany. Each licensed plant has its own labelling system, and samples must be provided to the Management Authority for approval. Plants are not required to include a minimum set of security features in their labels.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled and national legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

#### Licensing

A licensing system has been established for caviar processing and (re-)packaging plants in Germany, which covers aquaculture plants, and under this system, licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

Germany has carried out inspections of each licensed plant. It is intended to regularly inspect these plants on an annual basis.

## **Greece**

There are processing and (re-)packaging plants in Greece, but to date none have been licensed as no licensing applications have been submitted to the Management Authority.

#### Labelling

In Greece, no additional legal or administrative measures have been adopted at national level for the (future) labelling of caviar processed or (re-)packaged in Greece or for licensing of processing and (re-)packaging plants. However, a Ministerial Decree is currently under preparation and this will specify whether labels need to seal the container, whether label production will be centralized and whether minimum security features need to be included in the label.

No legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled. Although national legislation does not currently contain specific provisions covering sanctions in case of non-compliance with labelling requirements, any violation of the *Commission Regulation (EC) No. 865/2006* or *Commission Regulation (EC) No. 100/2008* is dealt according to articles 3 and 10 of the joint *Ministerial decision No. 99098/5881/16-10-2006* 'trade of species of wild fauna and indigenous flora' of the ministers of economy and finance and of rural development and food (published in the government gazette no 1570/b' /26-10-2006).

#### Licensing

A licensing system is currently being developed in Greece, under the new Ministerial Decree. Greece reported that the licensing system will implement all requirements under the EC Wildlife Trade Regulations and therefore, presumably, this system will cover aquaculture operations. To date, no applications for licensing of any processing or (re-)packaging plant has been submitted to the Management Authority.

## ***Hungary***

In Hungary, there are currently two licensed plants that process and re-package caviar (wild and aquaculture) and a licensed sturgeon aquaculture plant that does not currently process the caviar but may do so by the end of 2008 (or later). Currently, this aquaculture plant has a contract with a licensed processing and packaging plant in Hungary, whereby the aquaculture company rents the processing and packaging facility for the days when caviar extraction will take place. The aquaculture company will transport their sturgeon, live, to the processing and packaging plant and will do the extraction, processing, packaging and labelling there.

### Labelling

In Hungary, no additional legal measures have been adopted concerning caviar labelling and licensing. However, there are plans to amend the national CITES legislation in 2008 in order to include certain specific provisions on caviar.

Label production is centralized in Hungary with the State Printing Company issuing labels. The State Printing Company accepts orders only from plants approved by the Management Authority and regularly provides information to the Management Authority on the number of labels that have been printed. To date, three plants have been licensed and three different labels issued. The design of labels differs slightly for each licensed plant but all labels are uniquely numbered and contain security prints, a hologram belt and security cuttings that ensure that the label is damaged in case of opening of the containers, so the label cannot be reused. Irrespective of the container size which the labels are destined for, all labels are of a unique size, namely 93 mm long, 16 mm wide with a round end bearing the CITES logo, 27 mm in diameter. Labels produced in Hungary are required to seal the caviar container.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled - environmental inspectors, Customs and police officials have been informed about the new requirements with regard to caviar trade during trainings. The Management Authority also officially informed the Hungarian Hotels Associations of the new requirements and produced leaflets and a poster detailing the new labelling requirements. National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

In Hungary, caviar processing and (re-)packaging plants have been licensed through administrative resolutions which lay down certain requirements with which applicants must comply. The licensing system covers aquaculture, and licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

## ***Ireland***

There are currently no processing or (re-)packaging plants in Ireland.

### Labelling

In Ireland, no additional legal or administrative measures have been adopted at national level for the (future) labelling of caviar processed or (re-)packaged in Ireland.

No legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled. National legislation does not contain provisions covering sanctions in case of non-compliance with labelling requirements.

No label has been developed in Ireland for caviar labelling as Ireland does not currently have any production, processing or re-packaging of caviar.

### Licensing

No licensing system for caviar processing or (re-)packaging plants has been established in Ireland as there are currently no processing or (re-)packaging plants in the country.

## ***Italy***

Italy has both caviar processing (aquaculture) and re-packaging plants but exact numbers are not currently known.

### Labelling

A National Decree that deals with caviar labelling and licensing of processing re-packaging plants was published in Italy in May 2008.

Under the National Decree, label production is not centralized but instead plants are required to produce their own labels including minimum security features specified in the Decree, and labels are required to seal the containers. Labels that meet these requirements will be approved by the Management Authority and copies will be sent to the CITES Secretariat and to the Commission. Currently, no labels have been approved.

Legal or administrative measures have been taken to ensure that all containers of caviar placed on the market are labelled - Italian enforcement authorities have conducted inspections. Italy noted that in recent enforcement operations conducted by Corpo Forestale dello Stato (State Forestry Corps), tins with reusable labels (it was possible to remove the label without evidence of damage) were encountered and seized. National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

Italy has processing and (re-)packaging plants which are currently authorized under sanitary and aquaculture legislation and are required to hold a CITES register, but none of them have been licensed, because the National Decree on caviar licensing and labelling has only just been published. The licensing system established under the new Decree covers aquaculture operations, and licensed plants will be requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

Italy has inspected three plants.

## ***Latvia***

There are currently no processing or (re-)packaging plants in Latvia but one plant has started raising sturgeon in captivity, with plans to start producing caviar in 2009.

### Labelling

No additional legal or administrative measures have been adopted at national level for the labelling of caviar processed or (re-)packaged in Latvia. However, the Rules of Cabinet that include provisions on caviar labelling (as well as licensing and registration) are currently being drafted and might be adopted and published towards the end of 2008.

To date, no labels have been produced in Latvia. According to the Rules of Cabinet, label production will not be centralized, such that processing and (re-)packaging plants will be required to issue labels themselves with the Management Authority being responsible for approving the design and material of labels. The Rules of Cabinet will not require plants that produce labels to include a minimum set of security features in their labels.

Legal or administrative measures have been taken to ensure that all containers of caviar placed on the market are labelled - although there are no caviar processing or (re-)packaging plants in Latvia, the authorities control that any sturgeon and paddlefish caviar from other EU countries in trade is labelled according to the EC Wildlife Trade Regulations. National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

To date, no licensing system has been established in Latvia but the Rules of Cabinet that contain provisions on caviar licensing and registration (as well as labelling) is currently being drafted and might be adopted and published towards the end of 2008. This licensing system will cover aquaculture operations. The Rules of Cabinet do not require plants to maintain records of the quantities of caviar imported, (re-)exported,

produced in-situ or stored. However, all companies in Latvia dealing with products of plants or animals must regularly provide information to several governmental institutions about their production, such as the quantity produced.

## **Lithuania**

There are currently no processing or (re-)packaging plants in Lithuania.

### Labelling

The *Order of Packing and Labeling of Containers with Acipenseriformes caviar* was approved by the *Order of the Ministry of Environment No. D1-465* on 13 October 2006.

According to this *Order* every plant in Lithuania planning to process and repackage caviar should submit an application to the Ministry of Environment to be licensed and registered (and to receive a unique number). After this procedure, the plant should also submit to the Ministry of Environment examples of non-reusable labels or containers which can be used only once. Only after these procedures have been completed, is the plant authorised to start the processing or repackaging process. Labels used or produced in Lithuania are required to seal the caviar container. Plants which produce labels are not required to include a minimum set of security features in their labels.

One plant applied for a repackaging license in 2006-2007, but due to problems with the example of labels submitted by this plant, they were not granted permission to start repackaging caviar. The plant subsequently lost a large part of its technical equipment in a fire and has not applied for a license again.

Legal or administrative measures have been taken to ensure that all containers of caviar placed on the market are labelled and national legislation in Lithuania contains provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

Lithuania has established a licensing system under the *Order of Packing and Labeling of Containers with Acipenseriformes caviar* (details above). This system does not cover aquaculture operations. Plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

Lithuania has carried out inspections of plants but it was not reported how many.

## **Luxembourg**

There is currently one re-packaging plant in Luxembourg but it is not licensed.

### Labelling

In Luxembourg, no additional legal or administrative measures have been adopted at national level for the labelling of caviar processed or (re-)packaged in Luxembourg. However, Luxembourg is planning to adopt national measures for labelling in 2008, probably through the adoption of a new “Arrêté”.

No label has currently been developed in Luxembourg. There is only one plant that deals with caviar in Luxembourg, acting as an importer and a re-packager but it is re-packaging without labels. Once the planned national measures for labelling are adopted, label production will be centralized with a single design for labels in Luxembourg.

To date, no legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled. Currently, national legislation in Luxembourg does not contain provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

Currently, there is no licensing system in place in Luxembourg. Luxembourg is planning to adopt national measures for licensing (as well as labelling) in 2008, probably through the adoption of a new “Arrêté”. It is unclear whether this licensing system will cover aquaculture operations and whether it will require plants to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

Luxembourg has carried out inspections of plants but it was not reported how many plants were inspected – presumably it was only one as there is currently only one plant dealing with caviar in the country.

## **Malta**

There are currently no processing or (re-)packaging plants in Malta.

### Labelling

In Malta, no additional legal measures have been adopted at national level for the (future) labelling of caviar processed or (re-)packaged in Malta.

Malta does not currently produce any caviar labels, as it does not have any processing or (re-)packaging plants.

Administrative measures are currently (November 2008) being developed with the local body responsible for the labelling of food products, to ensure that caviar placed

on the domestic market is labelled. National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

#### Licensing

No licensing system for caviar processing or (re-)packaging plants has been established in Malta as there are currently no processing or (re-)packaging plants in the country.

### ***The Netherlands***

There are no licensed processing or (re-)packaging plants in the Netherlands. It was not reported how many unlicensed plants there are, and only one re-packaging plant has applied for licensing.

#### Labelling

To date, the Netherlands have not implemented any caviar labelling system and the Netherlands do not currently produce any caviar labels, although the Dutch authorities have contacted a label production company. In 2009, the Management Authority plans to set up a labelling system and will distribute labels to repackaging plants once these have been licensed.

Legal and administrative measures have been taken to ensure that caviar placed on the domestic market is labelled and national legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

#### Licensing

No licensing system for caviar processing or (re-)packaging plants has been established in the Netherlands. In 2005, the Management Authority of the Netherlands informed the public about the requirements for processing and (re-)packaging companies to be licensed and asked processing and (re-)packaging plants to contact the Management Authority. No applications for licensing were received in 2005, and one was received in 2006, but this plant has not yet been licensed as the Netherlands has not yet implemented a licensing system, although it is planned for 2009.

In 2009, the Dutch authorities plan to distribute updated information material about caviar labelling and licensing to stakeholders in the Netherlands. Inspections are also scheduled for 2009.

### ***Poland***

Poland has licensed four processing/re-packaging plants of which two are also licensed to export caviar:

- One of the licensed processing and re-packaging plants (Lech) has not conducted any processing or re-packaging to date. Lech has not used any labels to date.
- The second plant (Hayko) was licensed as a re-packaging plant, but later declared that it could also produce caviar from unprocessed roe provided by an aquaculture plant (Acipol). Hayko has an official label.
- The third plant (Acipol) was licensed as a producer of roe, through aquaculture. Acipol supplies (unprocessed) roe to processing and (re-)packaging firms such as Hayko, but does not process or package caviar that can be placed directly on the market itself. Acipol has not used any labels to date as they are trading in roe rather than caviar.
- The fourth plant (Goslawice) was licensed as a producer of roe, through aquaculture. Goslawice supplies (unprocessed) roe to processing and (re-)packaging firms, but does not process or package caviar that can be placed directly on the market itself. Goslawice has not used any labels to date as they are trading in roe rather than caviar.

### Labelling

Currently, no additional legal or administrative measures have been adopted at national level for the labelling of caviar processed or (re-)packaged in Poland. However, Poland is planning to include caviar-related provisions in their national legislation (*Nature Conservation Law*). These provisions should establish, at the national level, detailed rules concerning conditions for licensing, obligations for licensed plants and requirements regarding labels and labelling.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled. Polish legislation does not explicitly contain provisions covering sanctions specifically for case of non-compliance with caviar labelling requirements. However, Polish legislation contains provisions covering sanctions for infringements of EC Wildlife Trade Regulations (on a general basis), which therefore covers implicitly non-compliance with labelling requirements.

Label production is not centralized in Poland and to date, one label has been approved in Poland. There is no requirement for plants which produce labels to include a minimum set of security features in their labels - it is up to licensed plant to determine what kind of security measures concerning labels they will use. However, labels produced in Poland are required to seal the caviar container.

### Licensing

Based on implementation of *Commission Regulation (EC) No. 865/2006* (rather than any specific national measures) a licensing system for caviar processing or (re-

)packaging plants has been established in Poland and under this system, licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored. This licensing system covers aquaculture operations.

## ***Portugal***

There are currently no processing or (re-)packaging plants in Portugal.

### Labelling

In Portugal, no additional legal or administrative measures have been adopted at national level for the (future) labelling of caviar processed or (re-)packaged in Portugal. However, Portugal is planning to include provisions on caviar labelling and licensing in their national CITES legislation, which is expected to be adopted by the end of 2008.

To date, no labels have been produced in Portugal. Once the new national CITES legislation is adopted, label production will be centralised, and will be issued by the Management Authority. However, the legislation does allow for the possibility that, after approval of the Management Authority, a plant could issue its own labels. Labels will be required to seal the containers and although no specific security measures are specified in the new national CITES legislation, these may be detailed in subsequent pieces of legislation.

Legal or administrative measures have been taken to ensure that caviar placed on the domestic market is labelled. Portuguese national legislation contains provisions covering sanctions in case of non compliance with labelling requirements.

### Licensing

Once the new national CITES legislation is adopted, a licensing system, which will cover aquaculture operations, will be established.

## ***Romania***

Romania has licensed 12 processing/re-packaging plants.

### Labelling

Romania has drafted a Ministerial Order that contains provisions relating to caviar labelling and establishes a licensing for caviar processing and (re-)packaging plants in Romania. This Order should be adopted at the start of 2009.

Currently, there is no approved label in Romania. Once the Ministerial Order is adopted, label production will not be centralized, instead, each licensed plant will have its own label and will be required to provide a sample label to the Management Authority. The Ministerial Order will require labels to be adhesive and seal the container but this Order will not specify any minimum security features.

The Ministerial Order will include provision regarding the mandatory use of this labelling system for caviar placed on the domestic market.

Sanctions for non-compliance with the labelling requirements have been included in the *Government Emergency Ordinance* for amending of the *Emergency Ordinance no. 195/2005* on the environment protection.

#### Licensing

No licensing system for caviar processing or (re-)packaging plants has been established in Romania. However, the Ministerial Order that is currently being drafted will establish a licensing system, and under this system, licensed plants will be requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored. This licensing system will include aquaculture operations.

## **Slovakia**

There are currently no processing or (re-)packaging plants in Slovakia.

#### Labelling

In Slovakia, no additional legal or administrative measures have been adopted at national level for the (future) labelling of caviar processed or (re-)packaged in Slovakia.

Label production in Slovakia is not centralized and no labels have been produced to date.

Administrative measures have been adopted at national level to ensure that caviar placed on the domestic market is labelled: controls carried out by the Slovak Environmental Inspection did not find any unlabelled caviar on the domestic market. In Slovakia, national legislation (the Criminal Code) contains provisions covering sanctions in case of non-compliance with labelling requirements, but only if the value of caviar involved is higher than EUR2420.

#### Licensing

Although there are currently no plants in Slovakia, national legislation contains provisions regarding licensing of caviar processing or (re-)packaging plants in Slovakia, such as conditions for licensing and conditions under which the license can be repealed. Under this system, licensed plants are requested to maintain records of

the quantities of caviar imported, (re-)exported, produced in-situ or stored. This licensing system covers aquaculture operations (however there are currently none in the country).

## **Slovenia**

There are currently no processing or (re-)packaging plants in Slovenia.

### Labelling

In Slovenia, the *Decree on the course of conduct and protection measures in the trade in animal and plant species* (Official Gazette of the Republic of Slovenia, No. 39/08) lays down detailed rules for implementing *Council Regulation (EC) No. 338/97* and *Commission Regulation (EC) No. 865/2006* and includes provisions on the labeling of caviar processed or (re-)packaged in Slovenia.

Legal measures have been taken to ensure that caviar placed on the domestic market is labelled. National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

Label production in Slovenia is centralized with the Management Authority in charge of issuing labels. Labels are printed on special paper with a guilloche pattern background as a security feature to prevent fraud.

### Licensing

A licensing system for caviar processing or (re-)packaging plants has been established in Slovenia through the *Decree on the course of conduct and protection measures in the trade in animal and plant species*. This system covers aquaculture operations. Licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored as well as the quantities sold on the domestic market. Every year by 31 January, licensed plants are required to submit to the Management Authority an annual report, covering, amongst other, all the above mentioned information for the preceding year.

## **Spain**

There are currently two licensed processing/packaging plants (aquaculture) and one licensed re-packaging plant in Spain.

### Labelling

In Spain, no additional legal measures have been adopted at national level for the labelling of caviar processed or (re-)packaged in Spain or for licensing of processing and (re-)packaging plants.

Label production is not centralized in Spain and labels are not required to have a minimum set of security features. As long as the labels produced by the licensed plants meet the requirements set out in *CITES Resolution Conf. 12.7 (Rev. CoP 14)*, the labels will be approved by the Management Authority. Labels are not required to seal the containers but should be packaged in a manner that allows visual evidence of any opening, or the plants will not be licensed. In practice, one of the plants produces labels that seal the containers, the second plant started on 1<sup>st</sup> March 2008 to seal all the containers with the labels and the third plant has been urged by the Management Authority to do so as well.

Administrative measures have been taken to ensure that caviar placed on the domestic market is labelled - wholesalers and retailers have been informed about the labelling requirements. National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

#### Licensing

A licensing system for caviar processing or (re-)packaging plants has been established in Spain, which covers aquaculture operations, and under this system, licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored.

The three licensed plants in Spain have been inspected.

## **Sweden**

There are currently no processing or (re-)packaging plants in Sweden.

#### Labelling

In Sweden, no additional legal or administrative measures have been adopted at national level for the (future) labelling of caviar processed or (re-)packaged in Sweden.

No label has been issued or approved to date because there are currently no processing or (re-)packaging plants in Sweden.

Administrative measures have been taken to ensure that all containers of caviar placed on the market in Sweden are labelled, including the provision of information about the marking requirements on the Management Authority's website and sending individual information letters to stakeholders. National legislation contains provisions covering sanctions in case of non-compliance with labelling requirements.

### Licensing

No licensing system for caviar processing or (re-)packaging plants has been established in Sweden as there are currently no processing or (re-)packaging plants in Sweden.

## **UK**

There are seven licensed re-packaging plants in the UK.

### Labelling

In the UK, no additional legal measures have been adopted at national level for the labelling of caviar processed or (re-)packaged in the UK. Administrative measures have been implemented in relation to the labelling of re-packaged caviar in the UK.

Label production is centralized in the UK and there is a single design for labels. The Management Authority issues the labels. Each label includes a unique security number. The Management Authority issues a 'blank' label to the licensed re-packagers, and it is the re-packagers that print the CITES codes onto the labels. This approach is used for several reasons:

- To relieve some of the administrative burden of the Management Authority;
- To save time and hence increase the shelf-life of the caviar
- Because the Management Authority does not necessarily know the details of the stock held by the plants, and
- Because the plants also need to include information in addition to the CITES codes on the labels, such as ingredients, use-by-dates etc.

This system has not caused any difficulties to date because the system allows for the identification of the full audit trail if necessary.

Labels produced in the UK are not required to seal the caviar container and the labels produced by the UK CITES Management Authority do not allow for the sealing of the container. However, it is a requirement of the UK scheme that all primary containers are sealed in such a way that they cannot be opened without physically breaking the seal.

UK national legislation does not currently contain provisions covering sanctions in case of non-compliance with labelling requirements. However, legislation to enforce the requirements of Article 64(2) of *Commission Regulation (EC) No. 865/2006* is in preparation and as caviar has been identified as a CITES priority area in the UK, the Management Authority is developing a plan for the practical implementation of Article 64(2) of *Commission Regulation (EC) No. 865/2006* focusing primarily on education and encouraging compliance.

### Licensing

A licensing system for caviar processing or (re-)packaging plants has been established in the UK and under this system, licensed plants are requested to maintain records of the quantities of caviar imported, (re-)exported, produced in-situ or stored. Although there are currently no aquaculture operations in the UK, the licensing system could be used to cover these.

No plants have been inspected to date but the UK is planning to conduct inspections.

## **4. Implementation of labelling and licensing provisions at the European Union level**

This section provides an overview of the caviar labelling and licensing provisions in place in the EU, and covers all the questions included in the questionnaire that was sent to Member States (**Annex 1**). A summary of the responses of Member States to the questionnaire can be found in **Table 1**. The rest of this section is divided into the following sub-sections: administrative and legal framework, labelling of caviar containers, monitoring and enforcement of the caviar trade and licensing of plants.

**Table 1: SUMMARY TABLE OF RESPONSES TO CONSULTATION WITH EU MEMBER STATES WITH REGARD TO THE IMPLEMENTATION OF CAVIAR LICENSING, REGISTRATION AND LABELLING REQUIREMENTS UNDER COMMISSION REGULATION (EC) No. 865/2006**

The first two rows in the table do not relate to questions in the questionnaire but are there to provide useful information to help read the table

Y = Yes, N = No, NA = Not applicable, - = No response given

#	Question	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	Total
-	Number of caviar labels approved in the country	1	3	2	0	0	10	0	1	0	3	0	13	3	0	0	0	0	0	0	0	1	0	0	0	1	0	1	11MSs
-	Caviar processing or (re-)packaging plants in the country	Y	Y	Y	N	N	Y	N	N	Y <sup>11</sup>	Y	Y <sup>9</sup>	Y	Y	N	Y	N <sup>12</sup>	Y <sup>11</sup>	N <sup>7</sup>	N	Y <sup>11</sup>	Y	N	Y	N	N	N	Y	15 MSs
1 a	Have legal or administrative measures been adopted at national level to allow for the labelling of caviar processed, packaged or re-packaged in your country?	Y	Y	N	N	Y	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N	Y	N	N	N	N	Y	N	Y	10
1 b	If not, is this planned?	NA	NA	Y	N	NA	N	-	Y	Y	N	N	NA	NA	-	NA	NA	Y	Y	N	NA	Y	Y	Y	NA	NA	N	NA	8
2	Have legal or administrative measures been adopted at national level to ensure that caviar placed on the domestic market is labelled?	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N <sup>6</sup>	Y	N <sup>2</sup>	Y	Y	Y	N <sup>2</sup>	Y	Y	Y	N <sup>2</sup>	21
3 a	Are the labels produced in your country required to seal the caviar container?	Y	N	N	NA	NA	N	N	Y <sup>2</sup>	-	N	NA	N	Y	N	Y	Y	NA	NA	NA	NA	Y	Y <sup>2</sup>	Y <sup>2</sup>	NA	Y	NA	N	9
3 b	If not, is caviar packaged in a manner that permits visual evidence of any opening of the container?	NA	N <sup>6</sup>	Y	NA	NA	Y	NA	NA	-	N <sup>4</sup>	NA	N	NA	N	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Y	3
4	Does your national legislation contain provisions covering sanctions in case of non compliance with labelling requirements?	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N <sup>2</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	N <sup>2</sup>	23

#	Question	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	Total
5 a	Have enforcement officers, including police and Customs officers, been officially informed of the new requirements of the CITES provisions on caviar labelling that are applicable throughout the EU territory?	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	27
5 b	If so, were specific information materials provided to them, e.g. description of a label?	Y	Y	Y	Y	Y	Y	N	Y	-	N	Y	Y	Y	Y	Y	N	Y	Y	-	Y	N	Y	Y	Y	N	Y	Y	20
6	Have you carried out a consultation with caviar processing (e.g. sturgeon aquaculture operations), packaging and repackaging plants to inform them about the CITES labelling requirements?	Y	Y	Y	NA	NA	Y	NA	NA	N <sup>6</sup>	Y	Y	Y	N <sup>10</sup>	NA	Y	Y	N <sup>2</sup>	Y	NA	Y	Y	NA	Y	NA	NA	NA	Y	14
7	Have your enforcement authorities encountered any difficulties in checking the authenticity of labels issued by other Member States?	NA <sub>8</sub>	N	N	N	Y	N	N	Y	N	N	Y	N	N	N	N	N	N	N	N	Y	Y	N	N	Y	N	N	N	6
8	Have you encountered any evidence of forged labels being used?	NA <sub>8</sub>	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	2
9 a	In the context of the caviar labelling have you encountered inconsistencies between information on the label and a permit or certificate in 2007 (and how many)?	NA <sub>13</sub>	N	N	N	N	N	N	N	N	N	N	N	N	N	Y (20)	N	N	N	N	NA	N	N	N	N	N	N	N	1
9 b	If so, did you contact the exporting country?	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Y	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1

#	Question	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	Total
I 0	Is label production centralized in your country i.e. is there a single design for labels in your country?	N	N	N	NA	NA	N	N	Y <sup>2</sup>	-	N	N	N	Y	N	N	N	Y <sup>2</sup>	N	NA	NA	N	Y <sup>2</sup>	N <sup>3</sup>	NA	Y	N	Y	6
I 1	If label production is centralized, please specify the security features which these labels contain to avoid fraud. [Y = security features present; N = no security features present. See attached report for details.]	NA	NA	NA	NA	NA	-	NA	Y	-	NA	NA	NA	Y	NA	NA	NA	-	NA	NA	NA	NA	N	NA	NA	Y	NA	Y	4
I 2	If label production is not centralized, are companies which produce labels required to include a minimum set of security features in their labels?	N	N	N	NA	NA	N	N	NA	-	N	Y <sup>2</sup>	N	NA	N	Y	N	NA	N	NA	NA	N	NA	N	NA	NA	-	NA	2
I 3	Have copies of the labels been provided to the CITES Secretariat (CS) and/or the European Commission (EC) for 2007?	CS & EC	CS & EC	CS & EC	NA	NA	N	NA	NA	NA	N	NA	N	CS & EC	NA	NA	N	NA	NA	NA	NA	N	NA	NA	NA	NA	-	N	4
I 4 a	Has a licensing system been established for caviar processing, packaging and repackaging plants in your territory, including the attribution of a unique registration code to each plant by the Management Authority?	Y	Y	Y	N	Y	Y	N	N <sup>2</sup>	N <sup>2</sup>	Y	N <sup>2</sup>	Y	Y	N	N	Y	N	N <sup>2</sup>	NA	N	Y	N <sup>2</sup>	N <sup>6</sup>	NA	Y	Y	Y	13
I 4 b	Does this system cover aquaculture operations?	Y	Y	Y	NA	N <sup>1</sup>	Y	NA	Y <sup>2</sup>	Y <sup>2</sup>	Y	Y <sup>2</sup>	Y	Y	NA	Y	N	N <sup>1</sup>	Y <sup>2</sup>	NA	NA	Y	Y <sup>2</sup>	Y <sup>2</sup>	NA	Y	Y	Y	18

#	Question	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	Total	
I 4 c	If no licensing system has been established, does your national legislation constitute a legal obstacle to the establishment of such a licensing system?	NA	NA	NA	N	NA	NA	N	N	N	-	N	NA	NA	N	N	NA	N	N	N	N	NA	N	NA	NA	NA	NA	NA	-	0
I 5 a	Are licensed plants requested to maintain records of the quantities of caviar imported, exported, re-exported, produced in-situ or stored (as appropriate for each plant)?	Y	Y	Y	NA	Y	Y	-	Y <sup>2</sup>	-	Y	Y <sup>2</sup>	Y	Y	NA	Y	Y	NA	N	NA	NA	Y	NA	Y	NA	Y	Y	Y	Y	17
I 5 b	Have any plants been inspected (how many)?	Y	N	N	NA	NA	Y	NA	NA	NA	Y (3)	N	Y	Y	N	Y (3)	Y	Y	NA	NA	NA	N	NA	N	NA	NA	NA	NA	N <sup>2</sup>	8
I 6	Have any measures been taken by enforcement authorities to be particularly vigilant in controlling all aspects of the trade in specimens of sturgeon and paddlefish species, including unloading of sturgeon specimens, transit, re-packaging, re-labelling and re-exports?	N	Y	N	N	N	Y	N	Y	-	Y	N	N	N	N	Y	Y	Y	Y	N	Y	N	N	N	NA	N	N	N	N	9
I 7	If you have established a licensing system, as an updated list of these plants and their official registration codes been provided to the CITES Secretariat (CS) and/or the European Commission (EC) for 2007?	CS & EC	CS & EC	CS & EC	NA	NA	CS & EC	NA	NA	NA	CS	NA	CS & EC	CS & EC	NA	NA	NA	NA	NA	NA	NA	CS & EC	NA	NA	NA	NA	NA	NA	CS & EC	9
I 8	Has any measure been taken by relevant agencies to monitor the storage, processing and re-packaging of specimens of sturgeon and paddlefish species in Customs free zones and free ports, and for airline and cruise line catering?	N	N	N	NA	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N <sup>2</sup>	N	Y	N	N	N	3

#	Question	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	Total	
19a	Have all relevant CITES Management Authorities and staff members in your country been officially instructed to systematically send a copy of CITES permits and certificates issued for caviar trade to the CITES Secretariat or to UNEP-WCMC within one month of issuance?	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25
19b	Have these instructions been efficiently implemented by all Management Authorities?	Y	Y	Y	NA	Y	Y	Y	Y	Y	Y	Y	Y	NA	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	23

<sup>1</sup> There are no aquaculture operations in this country.

<sup>2</sup> Measures currently being developed.

<sup>3</sup> Once the legislation concerning caviar labelling is published.

<sup>5</sup> No permits issued since this requirement under CITES came into force

<sup>4</sup> Caviar should be packaged in a manner that allows visual evidence of any opening, but some companies do not comply with this – such companies will not be licensed.

<sup>6</sup> This is planned

<sup>7</sup> No current processing or re-packaging but there is one aquaculture company that aims to be producing caviar by 2009

<sup>8</sup> No enforcement actions carried out yet

<sup>9</sup> But it is not yet licensed

<sup>10</sup> Only with registered plants and with those applying for registration

<sup>11</sup> But none of these plants have been licensed

<sup>12</sup> Although in the past there was one caviar re-packaging plant

<sup>13</sup> No applications received to date

## 4.1 Administrative and legal framework

Four Member States have developed national legislation relating to caviar labelling: France, Italy, Lithuania and Slovenia. An additional 11 Member States reported that they are in the process of, or planning to do this: Austria, the Czech Republic, Estonia, Greece, Hungary, Latvia, Luxembourg, Poland, Portugal, Romania and the UK.

Legal or administrative measures to ensure that caviar placed on the domestic market is labelled - as required under Article 64(2) of *Commission Regulation (EC) No. 865/2006* - have been adopted in 21 Member States. The following Member States have not yet taken such measures: Greece, Ireland, Luxembourg (although measures are planned), Malta, Romania and the UK (measures are currently under development in these three Member States).

Five Member States have developed national legislation relating to caviar licensing: the Czech Republic, France, Italy, Lithuania and Slovenia. An additional 11 Member States reported that they are in the process of, or planning to do this: Austria, Bulgaria, Estonia, Greece, Hungary, Latvia, Luxembourg, Poland, Portugal, Romania and the UK.

Even though the EC Wildlife Trade Regulations are directly applicable in Member States, national legislation must be adopted concerning sanctions in cases of non-compliance with provisions of the EC Wildlife Trade Regulations. All but four of the Member States (Cyprus, Ireland, Luxembourg and the UK) have provisions in their national legislation covering sanctions in case of non-compliance with labelling requirements. Luxembourg and the UK reported that they are planning to amend their national legislation in order to address this problem.

## 4.2 Labelling of caviar containers

To date, 11 Member States have issued or approved CITES labels, amounting to a total of 38 types of labels in the EU (number of labels in brackets after each Member States): Austria (1), Belgium (3), Bulgaria (2), Estonia (1), Germany (12), France (15), Hungary (3), Poland (1), Slovenia (1), Spain (3) and the UK (1).

All of the Member States with labels, apart from Germany, have submitted a copy of their label(s) to the European Commission and these are included in a compilation of EU caviar labels, available from the European Commission. In addition, although this is not a requirement under *Resolution Conf. 12.7 (Rev. CoP14)*, Austria, Belgium, Bulgaria and Hungary have submitted a copy of their label to the CITES Secretariat and France plans to do so in the near future.

Fourteen of the 15 Member States which have caviar processing and/or (re-)packaging plants have carried out a consultation with their plants to inform them

about the CITES labelling requirements. Luxembourg is currently developing measures to carry out such a consultation with a plant that re-packages caviar. Hungary has carried out a consultation only with registered plants and with those applying for registration.

In eight Member States, the label is required to seal the caviar container (see **Figure 1** for an illustration of a container that is sealed by the CITES label<sup>4</sup>. These Member States are: Austria, Estonia (when the legislation is passed), Finland, Hungary, Italy, Lithuania, Poland and Slovenia. In Portugal and Romania, legislation regarding labelling has not yet been published but when it is, this will require the label to seal the container.

In Bulgaria, Germany and the UK, the label is not required to seal the container but caviar is reported to be packaged in a manner that allows for visual evidence of opening of the container.

There are a few Member States that have issued caviar labels but these labels are not required to seal the container and neither is caviar packaged in a manner that allows for visual evidence of opening of the container:

- This is the case in Belgium, but discussions are underway with the plants to ensure that caviar is packaged in a manner that will allow for visual evidence of opening of the container (see **Figure 2** for an example from a Belgian plant of one such method);
- This is the case in France, but no details were provided on when this issue will be addressed; and
- This is the case in Spain, where the label is not required to seal the container and not all companies currently package caviar in a manner that allows for visual evidence of opening of the container. Such companies will not be licensed.

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<sup>4</sup> Although labels are not required to seal containers in Bulgaria, this company has decided to do so.

**Figure 1**

Method used by one plant in Bulgaria to enable visual evidence of opening of caviar containers. In Bulgaria, there is no legal requirement for the CITES label to seal the container but several plants nevertheless have labels that seal the container. The pictures below illustrates how caviar is packaged with a seal around the sides of the container as well as the CITES label that contains flaps sealing the container. Opening of the container would result in tearing of the CITES label.



*Source:* V. Georgiev, Management Authority of Bulgaria, May 2008

**Figure 2**

Method used to enable visual evidence of opening of caviar containers used by a Belgian plant. The pictures below illustrate how caviar is packaged by this plant: the label is on the bottom of the container and does not seal it, but the container is



packaged with paper all the way around, with labels on the top (commercial label) and bottom (CITES label) and a string with a lead weight closing the wrapping. Opening of the container would require breaking on the string and lead seal and would result in tearing of the paper wrapping on which the CITES label is stuck.



*Source: A. Vanden Bloock, Management Authority of Belgium, April 2008*

Label production is centralized in three Member States: Hungary, where the State printing company produces the labels, and Slovenia and the UK where the Management Authorities produce the labels. In addition, a system of centralized label production is planned in Estonia, Luxembourg and Portugal.

Of the Member States with (or planning) centralized label production, four (Estonia, Hungary, Slovenia and the UK) specify minimum security features for their labels. Details are provided below:

- In Estonia, a holographic background and a unique number will be included on labels as security features to avoid fraud;
- In Hungary, the design of labels differs slightly for each licensed plant but all labels contain security prints and a hologram belt as well as security cuttings that ensure the label is damaged in case of opening of the containers;
- In Slovenia, labels are printed on special paper with a guilloche pattern background; and
- In the UK, each label includes a unique security number.

In addition, Italy (label production not centralized) reported that their labels contain minimum security features (no details provided) and, in Finland (label production not centralized) the Management Authority is currently in the process of determining what minimum security features are needed on the label, in collaboration with the only applicant they have for licensing.

### ***4.3 Monitoring and enforcement of the caviar trade***

In all 27 Member States, enforcement officers, including police and Customs officers, have been officially informed of the new requirements of the CITES provisions on caviar labelling that are applicable throughout the EU. In 20 of these Member States,

specific information materials such as a description of a label and the TRAFFIC brochure on labelling<sup>5</sup> were provided to enforcement authorities.

In 21 Member States, legal or administrative measures have been taken to ensure that all containers of caviar placed on the market are labelled. Greece, Ireland, Luxembourg, Malta, Romania and the UK reported that this has not yet been done, although it is planned or under development in Luxembourg, Malta and the UK.

Caviar processing or (re-)packaging plants have been inspected in eight Member States: Austria (one plant), France, Germany, Hungary, Italy (three plants) Lithuania, Luxembourg (one plant/company) and Spain (three plants) and in the UK, measures for inspections are being developed.

In six Member States (the Czech Republic, Estonia, Finland, the Netherlands, Poland and Sweden), enforcement authorities have encountered difficulties in checking the authenticity of labels issued by other Member States. Details are provided below:

- In Estonia, enforcement authorities have encountered labels (Member State from which the containers came not specified) which are unreadable because the labels have been stuck on the bottom of the package, facing the ice on the shop counter and the ice has soaked the labels;
- In Finland, most of the caviar containers encountered so far came from several German repackaging plants. According to the Finnish Management Authority, the German label, which consists simply of a printed code on the lid, does not make it possible to determine whether a container has been (illegally) opened and refilled;
- In 2005, Dutch enforcement authorities encountered difficulties with labels from Romania (which was not an EU Member State at that time). A shipment of approximately 53 kg of Beluga *Huso huso* caviar from Romania was confiscated because the labels were reusable and the amounts specified on the labels were different to the actual amounts in the containers<sup>6</sup>;
- In Sweden, enforcement authorities have encountered difficulties in checking the authenticity of a label issued by another (unspecified) EU Member State. In such cases, the Swedish Management Authority has contacted experts from the Member State concerned, to obtain confirmation of whether the label was authentic or forged;
- In Poland and the Czech Republic, the lack of a database containing information on EU labels/compilation of labels has proved to be an obstacle in identifying labels during control.

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<sup>5</sup> Universal caviar labelling requirements (195 KB) (2006) 4pp. *TRAFFIC Factsheet*. Available from [http://www.traffic.org/species-reports/traffic\\_species\\_fish24.pdf](http://www.traffic.org/species-reports/traffic_species_fish24.pdf)

<sup>6</sup> Note that by the end of 2008, Romania will have a labelling system in place that complies with *Commission Regulation (EC) No. 865/2006*.

Only Italy reported having encountered inconsistencies between information on the caviar label and a permit or certificate in 2007, and this in approximately 20 cases, involving EU Member States. In these cases, Italy contacted the relevant Member State.

Only in Germany and the Netherlands have authorities encountered any evidence of forged labels being used:

- The Netherlands had a case in which authorities from Kazakhstan and the Netherlands disagreed regarding the authenticity of labels found on a confiscated shipment of caviar from Kazakhstan;
- In 2005, the German Customs Investigation Agency identified several persons and companies which had smuggled at least 1.4 tonnes of caviar into the EU within a short time. The persons involved had re-sold this caviar inside of the EU by using falsified or altered documents. About 5000 forged labels were produced by these persons and only a fraction of these were detected. The persons used copies of import permits, issued for other companies, and labelled new tins with forged labels, including holograms, designed to look like the labels used by the Russian Government (see **Figure 3**).

### Figure 3

Example of forged labels found in Germany, designed to look like labels used by the Russian government.



Source: Customs investigation office Cologne, Germany.

Only nine Member States (Belgium, Estonia, Germany, Italy, Latvia, Lithuania, Luxembourg, the Netherlands and Spain) reported that measures have been taken by enforcement authorities to be particularly vigilant in controlling all aspects of the trade in specimens of sturgeon and paddlefish species, including unloading of sturgeon specimens, transit, re-packaging, re-labelling and re-exports, as recommended under *CITES Resolution Conf. 12.7 (Rev. CoP14)*.

In only three Member States (Germany, the Netherlands and Sweden), have measures been taken by relevant agencies to monitor the storage, processing and re-packaging of specimens of sturgeon and paddlefish species in Customs free zones and free ports, and for airline and cruise line catering, as recommended under *CITES Resolution Conf. 12.7 (Rev. CoP14)*.

Finally, all Member States, apart from Cyprus and Ireland, have officially instructed their relevant CITES Management Authorities and staff members to systematically send a copy of CITES permits and certificates issued for caviar trade to the CITES Secretariat or to UNEP-WCMC within one month of issuance (so that these can be included in the CITES caviar permit database), as recommended under *CITES Resolution Conf. 12.7 (Rev. CoP14)*. In all Member States where staff received these instructions, they are reported to have been carried out efficiently apart from Luxembourg (and Hungary but as of June 2008, no permits have been issued in Hungary for caviar).

#### **4.4 Licensing of plants**

Out of 27 Member States, 15 have caviar processing or repackaging plants: Austria, Belgium, Bulgaria, Germany, Greece, Finland, France, Hungary, Italy, Luxembourg, the Netherlands, Poland, Romania, Spain and the UK. Of these, all have established a licensing system apart from Finland and Greece (licensing system currently being developed in both these Member States), Romania (establishment of a licensing system planned), Luxembourg and the Netherlands.

In addition, some Member States have established licensing systems although they do not currently have caviar processing or re-packaging plants: the Czech Republic, Estonia (licensing system currently being developed), Lithuania, Portugal (licensing system currently being developed), Slovakia and Slovenia. In none of the Member States without a licensing system does the national legislation constitute an obstacle to the establishment of such a system.

All licensing systems that have been established require licensed plants to maintain records of the quantities of caviar imported, exported, re-exported, produced in situ or stored (as appropriate for each plant).

Not all licensing systems that have been or are in the process of being established cover aquaculture operations. Aquaculture operations are not covered by the licensing systems in: the Czech Republic and Lithuania (currently no aquaculture operations in these Member States).

Ten of the 15 Member States with processing or re-packaging plants have submitted information to the Secretariat (**Table 1**). Based on the information submitted to the CITES Secretariat, there are 64 licensed plants in the EU that export, process or re-package caviar. In reality, there may be more than 64 licensed plants in the EU, as certain Member States may have licensed more plants than are indicated in the CITES register.

**Table 1**

The number of licensed caviar exporters, processors and re-packagers in EU Member States according to the CITES register

<b>Member State</b>	<b>Licensed plants</b>	<b>Total</b>
Austria	1 processing/repackaging	1
Belgium	3 processing/repackaging	3
Bulgaria	3 processing/repackaging	3
France	15 processing/repackaging	15
Germany	12 exporters/processing/repackaging	12
Hungary	3 processing/repackaging 2 exporters	5
Poland	4 exporters/processing/repackaging	4
Romania	12 exporters/processing/repackaging 2 exporter	14
Spain	3 exporters/processing/repackaging	3
UK	7 processing/repackaging	7
<b>Total</b>	<b>4 exporter</b> <b>29 processing/repackaging</b> <b>31 exporters/processing/repackaging</b>	<b>64</b>

Source: CITES register of licensed exporters and of processing and repackaging plants for specimens of sturgeon and paddlefish species [http://www.cites.org/common/resources/reg\\_caviar.pdf](http://www.cites.org/common/resources/reg_caviar.pdf) (as amended on 19 December 2008<sup>7</sup>).

Member States that have processing/repackaging plants but have not submitted information to the Secretariat are listed below:

- Finland has two caviar processing plants, which will package their own caviar for sale once they are licensed to do so. But Finland has not yet established a licensing system. Once this system is in place and the plants are licensed, Finland will send a list of plants to the Secretariat;
- Italy has processing and (re-)packaging plants which are currently authorized under sanitary and aquaculture legislation and are required to hold a CITES register, but none of them have been licensed, because the National Decree on caviar licensing and labelling has only recently been published. The plants will be licensed and information sent to the Secretariat;
- Luxembourg, Greece and the Netherlands have processing and/or repackaging plants that has not yet been licensed;

In addition, Romania has already submitted information to the Secretariat concerning 19 caviar processing plants. Romania is in the process of establishing a licensing system (through a Ministerial Decree). Once this system is in place and the plants are licensed, Romania will send an updated list of plants to the Secretariat.

<sup>7</sup> Note that the version of the CITES register of 19 December 2008 was missing information on the three processing/repackaging plants in Hungary, although information on these three licensed plants was submitted by Hungary to the CITES Secretariat and was included in earlier versions of the register. We have therefore included these three plants in the totals in this table.

Germany has already submitted information to the Secretariat concerning 10 caviar processing and re-packaging plants but it has since licensed an additional processing plant for which information is not yet included in the CITES register.

Two Member States (Hungary and Poland) reported that they have aquaculture plants that do not process the roe into caviar on site but transport their sturgeon to a processing and packaging plant in the same country. The plant in Hungary was considering using a processing and packaging plant in another EU Member State but ultimately decided to use a processing and packaging plant in Hungary.

## 5. Discussion

### ***5.1 Implementation of labelling and licensing provisions in the EU***

Commission Regulations are directly applicable in all Member States and therefore adoption of national legislation is not required in order to implement caviar labelling and licensing provisions included in the EC Wildlife Trade Regulations, although Member States may adopt further implementing provisions if necessary. It should be noted that the exact transposition of provisions of the Regulations into national legislation is contrary to the EC Treaty unless it is for clarity purposes in connection with implementing provisions (e.g. for sanctions). Nevertheless, 15 Member States have, or are planning to develop national legislation on caviar labelling and 16 Member States have or are planning to develop national legislation establishing a licensing system. These national legislations transfer the caviar-related provisions of *Commission Regulation (EC) No. 865/2006* into national legislation (although it is unclear whether such transposition is contrary to the Treaty or not) or may contain more detailed provisions in order to implement the Commission Regulation, by for example specifying which authority is in charge of issuing labels or of licensing plants.

The EC Wildlife Trade Regulations require processing and (re-)packaging plants, including caviar producing aquaculture operations, to be licensed by the Management Authority of a Member State before they may process or (re-)package caviar for export, re-export or intra-Community trade. Such a licensing system can be established through national legislation or through administrative measures. All Member States with processing and/or (re-)packaging plants have established (or are in the process of establishing) a licensing system. The Member States without a licensing system have not established one because they do not currently have any caviar processing or (re-)packaging, rather than because their national legislation constitutes an obstacle to establishing such a system. In Member States where the licensing system has not yet been developed, caviar should not be processed or (re-)packaged.

All Member States with aquaculture operations have a licensing system for such operations. However, in a number of Member States, a licensing system has been established but does not cover aquaculture operations. This is not in contravention with the EC Wildlife Trade Regulations as all of the Member States concerned do not currently have aquaculture operations producing caviar. However, should aquaculture operations be established in the future in these countries, the licensing system will need to be extended to cover such operations.

Two Member States have aquaculture plants that do not process the roe into caviar on site but transport their (live) sturgeon to a processing and packaging plant in the same country. It is important to clarify that if an aquaculture plant from one Member State decided to have its sturgeon roe processed and packaged in another Member State, the CITES labels placed on these primary containers would have to bear the ISO code for the country in which the processing and packaging took place (rather than the ISO code of the country in which the sturgeon aquaculture plant is located).

The EC Wildlife Trade regulations specify certain requirements relating to the licensing system, namely that:

- Licensed processing and (re-)packaging plants shall be required to maintain adequate records of the quantities of caviar imported, exported, re-exported, produced in situ or stored, as appropriate, and
- The list of facilities licensed in accordance with this paragraph, as well as any changes thereto, shall be notified to the Secretariat of the Convention and to the Commission.

In practice, Member States are complying with both these requirements. All licensing systems that have been established in the EU require licensed plants to maintain records as detailed above, and all Member States with licensed facilities have submitted the list of licensed facilities to the CITES Secretariat.

Regarding labelling, the situation is complex in the EU given the flexibility allowed under CITES and the EC Wildlife Trade Regulations: Member States differ in terms of how many labels they have issued or approved, whether labels are issued centrally or by the plants, whether labels are required to seal the containers or whether another method is used, whether and what kind of security features are specified for labels.

The majority of Member States with caviar processing and/or (re-)packaging plants have a labelling system in place. For those Member States that have not yet issued or approved CITES labels, this is either because they do not have caviar processing and (re-)packaging plants, because they have not yet licensed such plants or because the legislation covering labels is still being developed. In a few cases, Member States reported having processing on (re-)packaging plants but that these are either unlicensed (e.g. Greece, Luxembourg) or that no CITES label has been approved in that country (e.g. Luxembourg) and it is unclear whether these plants are currently processing and (re-)packaging caviar.

In the majority of Member States that have licensed processing or (re-)packaging plants and have issued or approved labels, the labels either seal the containers or caviar is packaged in another manner that allows for visual evidence of opening of the container. Three Member States are not yet complying with this obligation but all three are looking into the situation (see **section 4.2**).

Based on responses provided by Member States, two potential problems with the legal framework in place in Member States have been identified:

Firstly, six Member States reported not having taken any legal or administrative measures to ensure that caviar placed on the domestic market is labelled – as required under Article 64(2) of *Commission Regulation (EC) No. 865/2006*. Four of these six Member States are planning to, or are in the process of addressing this problem but for the remaining two Member States it remains to be clarified whether they are indeed lacking measures to implement Article 64(2) of *Commission Regulation (EC) No. 865/2006* or whether they have not interpreted the question as it was intended to be interpreted.

Secondly, although the majority of Member States have provisions in their national legislation covering sanctions in case of non-compliance with labelling requirements, in four Member States this is not currently the case (although two of them are currently working on addressing this problem). A lack of national legislation covering sanctions results in a problematic situation whereby infringements to the EC Wildlife Trade Regulation labelling requirements cannot be prosecuted.

## **5.2 Monitoring and enforcement of labelling and licensing provisions in the EU**

In all 27 Member States, enforcement officers, including police and Customs officers, have been officially informed of the new requirements of the CITES provisions on caviar labelling that are applicable throughout the EU territory. In all Member States with caviar processing or (re-)packaging plants, consultations have been conducted (or are planned) to inform plants of CITES labelling requirements.

Enforcement authorities in a few Member States reported encountering difficulties in checking the authenticity of labels issued by other Member States, in some cases because of a lack of database or compilation of labels issued or approved by Member States. It is hoped that the recent compilation, available from the Commission, will alleviate some of these problems.

Based on the information provided by Member States, there do not appear to be substantial problems with forged labels or inconsistencies between information on permits and labels in the EU. However, the lack of an apparent problem may be due to the fact that in only a few Member States are enforcement authorities paying special attention to the caviar trade. For example, despite this being recommended under *CITES Resolution Conf. 12.7 (Rev. CoP14)*, only three Member States reported having taken measures to monitor the storage, processing and re-packaging of specimens of sturgeon and paddlefish species in Customs free zones and free ports, and for airline- and cruise line-catering, and only nine Member States reported that enforcement authorities have taken measures to be particularly vigilant in controlling all aspects of the trade in specimens of sturgeon and paddlefish species<sup>8</sup>. It is worth noting, however, that recommendation in *CITES Resolution Conf. 12.7 (Rev. CoP14)*

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<sup>8</sup> including unloading of sturgeon specimens, transit, re-packaging, re-labelling and re-exports.

to be “particularly vigilant” is a rather vague one that leaves room for different interpretations of what this would consist of.

Finally, in terms of reporting to the caviar permit database, virtually all Member States report to be satisfactorily implementing the requirements under *CITES Resolution Conf. 12.7 (Rev. CoP14)*.

## 6. Recommendations

Based on the information received from Member States on their implementation of caviar labelling and licensing provisions, the following general recommendations are made:

- Member States that have caviar processing or (re-)packaging plants but have not yet developed a licensing system, or labels, should ensure that these plants are not processing or (re-)packaging caviar.
- In order to comply with the provisions of *CITES Resolution Conf. 12.7 (Rev. CoP14)*, those Member States that are not currently doing so should be particularly vigilant in controlling all aspects of the trade in specimens of sturgeon and paddlefish species, including the unloading of sturgeon specimens, transit, re-packaging, re-labelling and re-exports;
- In order to comply with the provisions of *CITES Resolution Conf. 12.7 (Rev. CoP14)*, those Member States that are not currently doing so should monitor the storage, processing and re-packaging of specimens of sturgeon and paddlefish species in Customs free zones and free ports, and for airline and cruise line catering;
- It would be helpful if Member States that do not currently require labels to seal caviar containers could provide to the European Commission detailed description including photographs of the manner in which caviar is packaged to allow for visual identification of opening of the container.

In addition, the following Member State-specific recommendations are made regarding:

### Administrative and legal framework

- Greece, Ireland, Luxembourg, Malta and the UK should take legal or administrative measures to ensure that all containers of caviar placed on the domestic market are labelled, as required under Article 64(2) of *Commission Regulation (EC) No. 865/2006*;
- Cyprus and Ireland should amend their national legislation to include provisions covering sanctions in case of non-compliance with labelling requirements.

### Caviar labelling

- Belgium, France and Spain (and Greece, if applicable) should ensure that caviar is packaged in a manner that allows for visual evidence of opening of the container. Caviar that is not packaged in such a way should not be allowed to be placed on the market.

### Licensing of plants

- The Czech Republic and Lithuania should ensure their licensing system is set up so as to cover aquaculture operations (even if there are not currently any such operations in the country);
- Greece, Luxembourg and the Netherlands should ensure that their (currently unlicensed) caviar processing and re-packaging plants are not exporting or placing any caviar on the domestic market;
- Finland, Greece, Italy, Luxembourg, the Netherlands and Romania should provide an updated list of their licensed plants including official registration codes to the CITES Secretariat once they have licensed their plants.

Reporting to the caviar permit database

- Cyprus should officially instruct their relevant CITES Management Authorities and staff members to systematically send a copy of CITES permits and certificates issued for caviar trade to the CITES Secretariat or to UNEP-WCMC within one month of issuance so that these can be included in the CITES caviar permit database, and
- Luxembourg's Management Authorities should efficiently implement the instructions to systematically send a copy of CITES permits and certificates issued for caviar trade to the CITES Secretariat or to UNEP-WCMC within one month of issuance so that these can be included in the CITES caviar permit database.

## 7. Next steps

Many Member States have only recently implemented the CITES labelling scheme. Once the labelling scheme has been in place for a certain period, and once enforcement authorities in the EU have started using the compilation of labels prepared in conjunction with this briefing paper, it would be interesting to assess, amongst other:

- how many cases of forged labels they encounter within the EU;
- whether these involved forged EU labels or labels from third countries;
- whether forged labels are made to replicate existing official labels or whether people forging labels take advantage of the multiplicity of official labels in circulation to create a new design;
- whether labels with minimum security features are forged less than those without such security features;
- whether containers that are sealed by the CITES label are found to be more resistant to tampering (e.g. being opened and refilled) than containers sealed using another system;
- on a periodic basis, the difficulties encountered during enforcement of the regulations;

In the light of such an assessment, recommendations may be put forward regarding amending the universal labelling system under *Resolution Conf. 12.7 (Rev. CoP14)*, for example to develop a single design for caviar labels, or to make the inclusion of specified minimum security features obligatory.

# Annex 1: Questionnaire sent to all 27 European Union Member States

## Consultation with EU Member States with regard to the implementation of caviar licensing, registration and labelling requirements under the EC Wildlife Trade Regulations

Please mark with "X" the appropriate answer

Name of respondent:  
Organisation:  
Contact details:

### CAVIAR LABELLING

Referring to Article 66(6) of *Commission Regulation (EC) No. 865/2006*

1. Have legal or administrative measures been adopted at national level to allow for the labelling of caviar processed, packaged or re-packaged in your country?

Yes : No:

If so, briefly describe.....  
.....  
.....  
.....

If no, is this planned or is this not necessary.....  
...  
.....  
.....  
.....

2. Are the labels produced in your country required to seal the caviar container?

Yes: No:

If not, is caviar packaged in a manner that permits visual evidence of any opening of the container?

Yes (and please specify the manner): No:

.....  
.....  
.....

3. Have steps been taken to ensure that the provisions of Article 64(2) – requiring all containers of caviar placed on the market to be labelled – are enforced?

Yes : No:

If so, briefly describe.....

.....  
.....  
.....

4. Does your national legislation contain provisions covering sanctions in case of non-compliance with labelling requirements?

Yes: No:

5. Have enforcement officers, including police and Customs officers, been officially informed of the new requirements of the CITES provisions on caviar labelling that are applicable throughout the EU territory?

Yes : No:

If so, were specific information materials provided to them, e.g. description of a label?

Yes : No:

6. Have you carried out a consultation with caviar processing (e.g. sturgeon aquaculture operations), packaging and repackaging plants to inform them about the CITES labelling requirements?

Yes : No:

7. Have your enforcement authorities encountered any difficulties in checking the authenticity of labels issued by other Member States?

Yes : No:

If so, briefly describe.....

.....  
.....  
.....

8. Have you encountered any evidence of forged labels being used?

Yes : No:

If so, briefly describe.....  
.....  
.....  
.....

9. In the context of the caviar labelling have you encountered inconsistencies between information on the label and a permit or certificate in 2007?

Yes : No:

If so, (roughly) how many time:

and did you contact the exporting country? Yes: No:

If so, (roughly) how many times:

10. Is label production centralized in your country i.e. is there a single design for labels in your country?

Yes: No:

If so, who issues the labels (e.g. the Management Authority)?

If not, how many different labels have you approved for use in your country?.....

11. If label production is centralized, please specify the security features which these labels contain to avoid fraud.....  
.....  
.....  
.....

12. If label production is not centralized, are companies which produce labels required to include a minimum set of security features in their labels?

Yes: No:

If so, please specify what these minimum features are.....  
.....  
.....  
.....

13. Have copies of the labels been provided to the CITES Secretariat and the European Commission for 2007?

Yes, only to the CITES Secretariat: Yes, only to the European  
Commission: Yes, to both: No:

**LICENSING AND REGISTRATION**

Referring to Article 66(7) of *Commission Regulation (EC) No. 865/2006*

14. Has a licensing system been established for caviar processing, packaging and repackaging plants in your territory, including the attribution of a unique registration code to each plant by the Management Authority?

Yes : No:

Does this system cover aquaculture operations?

Yes: No:

If no licensing system has been established, does your national legislation constitute a legal obstacle to the establishment of such a licensing system?

Yes : No:

15. Are licensed plants requested to maintain records of the quantities of caviar imported, exported, re-exported, produced in-situ or stored (as appropriate for each plant)?

Yes: No:

Have any plants been inspected?

Yes, all (indicate how many): Yes, some (indicate how many):  
No:

16. Have any measures been taken by enforcement authorities to be particularly vigilant in controlling all aspects of the trade in specimens of sturgeon and paddlefish species, including unloading of sturgeon specimens, transit, re-packaging, re-labelling and re-exports?

Yes : No:

If so, briefly describe.....  
.....  
.....  
.....  
.....

17. If you have established a licensing system, has an updated list of these plants and their official registration codes been provided to the CITES Secretariat and the European Commission for 2007?

Yes, only to the CITES Secretariat: Yes, only to the European  
Commission: Yes, to both: No:

**ADDITIONAL MEASURES TO REGULATE THE TRADE IN STURGEON PRODUCTS**

18. Has any measure been taken by relevant agencies to monitor the storage, processing and re-packaging of specimens of sturgeon and paddlefish species in Customs free zones and free ports, and for airline and cruise line catering?

Yes : No:

If so – what were the results of this monitoring?

.....  
.....  
.....

19. Have all relevant CITES Management Authorities and staff members in your country been officially instructed to systematically send a copy of CITES permits and certificates issued for caviar trade to the CITES Secretariat or to UNEP-WCMC within one month of issuance?

Yes : No:

Have these instructions been efficiently implemented by all Management Authorities?

Yes: No:

**PLEASE SEND A COLOUR COPY OF THE LABEL(S) THAT HAVE BEEN APPROVED ALONG WITH YOUR COMPLETED QUESTIONNAIRE TO TRAFFIC EUROPE.**

## **Annex 2: Definition of key terms used in the report, taken from *CITES Resolution. Conf. 12.7 (Rev. CoP14)***

Caviar: processed unfertilized eggs (roe) of Acipenseriformes species.

Non-reusable label: any label or mark that cannot be removed undamaged or transferred to another container, which may seal the container. If the non-reusable label does not seal the primary container, caviar should be packaged in a manner that permits visual evidence of any opening of the container.

Primary container: tin, jar or other receptacle that is in direct contact with the caviar.

Secondary container: receptacle into which primary containers are placed.

Processing plant: facility in the country of origin responsible for the first packaging of caviar into a primary container.

Repackaging plant: facility responsible for receiving and repackaging caviar into new primary containers.

### Annex 3 Codes for identification of Acipenseriformes species, hybrids and mixed species

Species	Code
<i>Acipenser baerii</i>	BAE
<i>Acipenser baerii baicalensis</i>	BAI
<i>Acipenser brevirostrum</i>	BVI
<i>Acipenser dabryanus</i>	DAB
<i>Acipenser fulvescens</i>	FUL
<i>Acipenser gueldenstaedtii</i>	GUE
<i>Acipenser medirostris</i>	MED
<i>Acipenser mikadoi</i>	MIK
<i>Acipenser naccarii</i>	NAC
<i>Acipenser nudiventris</i>	NUD
<i>Acipenser oxyrinchus</i>	OXY
<i>Acipenser oxyrinchus desotoi</i>	DES
<i>Acipenser persicus</i>	PER
<i>Acipenser ruthenus</i>	RUT
<i>Acipenser schrenckii</i>	SCH
<i>Acipenser sinensis</i>	SIN
<i>Acipenser stellatus</i>	STE
<i>Acipenser sturio</i>	STU
<i>Acipenser transmontanus</i>	TRA
<i>Huso dauricus</i>	DAU
<i>Huso huso</i>	HUS
<i>Polyodon spathula</i>	SPA
<i>Psephurus gladius</i>	GLA
<i>Pseudoscaphirhynchus fedtschenkoi</i>	FED
<i>Pseudoscaphirhynchus hermanni</i>	HER
<i>Pseudoscaphirhynchus kaufmanni</i>	KAU
<i>Scaphirhynchus albus</i>	ALB
<i>Scaphirhynchus platyrhynchus</i>	PLA
<i>Scaphirhynchus suttkusi</i>	SUS
Mixed species (for 'pressed' caviar exclusively)	MIX
Hybrid specimens: code for the species of the male x code for the species of the female	YYYxXXX

Source: CITES Resolution Conf. 12.7 (Rev. CoP14)